

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-6, drawn to a media file playback method.

Group II, claims 7-20, drawn to a media file playback system.

(inter)

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The only common technical features between Groups I and II are a file server and a media renderer connected to a UPnP-based network. However, these are not special technical features because they are found in the prior art. In particular, US Patent Application Publication No. 20030110503 by Perkes, Ronald M. , hereinafter Perkes, teaches a file server (see Fig. 3 and [0040]). Perkes also teaches media renderer connected to a UPnP-based network (Fig. 18, item 1812. See also paragraphs [0271] and [0303]). Therefore, said groups do not share corresponding common special technical features.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Group I, Species Ia, recited in claim 1: A media file playback method wherein the media rendered via playing back a media file in the file server (streaming).

Group I, Species Ib, recited in claims 2-3: A media file playback method wherein the media rendering comprises downloading a media file.

Group I, Species Ic, recited in claims 4-6: A media file playback method comprising a control point and a CDS.

The only common technical features between species Ia - Ic are a file server and a media renderer connected to a UPnP-based network. However, these are not special technical features because they are found in the prior art. In particular, US Patent Application Publication No. 20030110503 by Perkes, Ronald M. , hereinafter Perkes, teaches a file server (see Fig. 3 and [0040]). Perkes also teaches media renderer connected to a UPnP-based network (Fig. 18, item 1812. See also paragraphs [0271] and [0303]). Therefore, said groups do not share corresponding common special technical features.

Group II, Species IIa, recited in claims 7-13: A media file playback system wherein a media file is rendered based on a media file address.

Group II, Species IIb, recited in claims 14-18: A media file playback system wherein a media server provides CDS.

Group II, Species IIc, recited in claim 19: A media file playback system where file identification based on media file address registration is not performed.

Group II, Species IId, recited in claim 20: A media file playback system wherein rendering of a media file is based on a position information of the distributed file server rather than on CDS provided by a media server.

The only common technical features between species IIa - IId are a file server and a media renderer connected to a UPnP-based network. However, these are not special technical features because they are found in the prior art. In particular, US Patent Application Publication No. 20030110503 by Perkes, Ronald M. , hereinafter Perkes, teaches a file server (see Fig. 3 and [0040]). Perkes also teaches media renderer connected to a UPnP-based network (Fig. 18, item 1812. See also paragraphs [0271] and [0303]). Therefore, said groups do not share corresponding common special technical features.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

For the reasons stated in group and species definition sections, none of the claims of the instant application appears to be generic.

A telephone call was made to the attorneys of record, the law firm of Lee, Hong, Degerman, Kang & Waimey on October 13, 2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-0487. The examiner can normally be reached on weekdays between the hours of 8:30 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2455

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vitali Korobov/
Examiner, Art Unit 2455

October 14, 2009

VAK

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/saleh najjar/
Supervisory Patent Examiner, Art Unit 2455